

Application No. 10/053,720
Amendment dated November 19, 2003
Reply to Final Office Action mailed on September 15, 2003

REMARKS/ARGUMENTS

A Final Office Action was mailed on September 15, 2003. On November 17, 2003, Applicant file an Amendment but it was not entered because no fee was paid. Applicant is now filing this Amendment instead. Response is hereby made to the Final Office Action mailed on September 15, 2003. Claims 1, 5, 6 and 12 are amended. Claims 16-20 are cancelled and new claims 21 through 24 are added.

Rejection under 35 U.S.C. 102(b)

Claims 1, 3-11 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by Downard (US '805). Claims 1-7 were rejected under 35 U.S.C. 102(b) as being anticipated by Singer (US '980). Claims 1, 2, 4-7 and 14-15 were rejected under 35 U.S.C. 102(b) as being anticipated by Carlson (US '733).

Applicant has amended claim 1 to overcome the rejection and to further clarify the invention and to distinguish it over the cited references. More particularly, claim 1 was amended to indicate that the rotatable screen is positioned in the passageway of the separator to screen the axially flowing material and to centrifugally direct the screened out material to the first outlet as the rotatable screen rotates. Nothing in the cited references teaches, discloses or suggests inter alia such elements. In all of the cited references the screen is a rotating cylindrical element having radial holes in the cylindrical surface. It screens material flowing radially and not axially. Further, in the cited references, the screened out material is not centrifugally directed to the first outlet. Accordingly, claim 1, as amended should be allowable.

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Claim 2 should be allowable because it is depended on allowable claim 1. Further it should be allowable because it discloses a pump for pumping material from the hopper to the separator. Nothing in the cited references teaches, discloses or suggests inter alia such elements

Claim 3 should be allowable because it is depended on allowable claim 1. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 4 should be allowable because it is depended on allowable claim 1. Nothing in the cited references teaches, discloses or suggests inter alia such elements.

Claim 5 should be allowable because it is depended on allowable claim 1. Further it should be allowable because it discloses a passageway of the separator which is substantially vertical and the rotatable screen has a screening surface which is substantially horizontal, the rotatable screen being positioned so as to centrifugally direct the screened out material towards the first outlet by flowing the material on the screening surface. Nothing in the cited references teaches, discloses or suggests inter alia such elements.

Claim 6 should be allowable because it is depended on allowable claim 1. Further it should be allowable because it discloses the first outlet being between the inlet and the rotatable screen and the second outlet being downstream of the rotatable screen. Nothing in the cited references teaches, discloses or suggests inter alia such elements

Claim 7 should be allowable because it is depended on allowable claim 1. Further it should be allowable because it discloses an apparatus having a rotatable screen that includes apertures of

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a predetermined size. Nothing in the cited references teaches, discloses or suggests inter alia such elements

Claim 8 should be allowable because it is depended on allowable claim 1. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 9 should be allowable because it is depended on allowable claim 8. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 10 should be allowable because it is depended on allowable claim 9. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim

Claim 11 should be allowable because it is depended on allowable claim 9. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 14 should be allowable because it is depended on allowable claim 1. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Claim 15 should be allowable because it is depended on allowable claim 1. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

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New claim 24 should be allowable because it is dependent on allowable claim 1. Further, it should be allowable because it discloses a screen being positioned in the passageway so as not to allow the material to pass through the passageway without being screened. Nothing in the cited references teaches, discloses or suggests inter alia such elements.

Objection of Claims 12 and 13

Claims 12 and 13 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 12 was rewritten in independent form including all of the limitations of the base claim and any intervening claims and should be allowable.

Claim 13 should be allowable because it is depended on allowable claim 12. Further it should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of this claim.

Withdrawal of Claims 16-20

Applicant confirms the election of the claims as made by the examiner and does not object to the withdrawal of claims 16-20. Applicant, however, reserves the right to claim the matter disclosed in claims 16-20 in further related patent applications.

New claims 21-23 should be allowable because they are depended on allowable claim 12. Further they should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of those claims.

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Benefit under 35 U.S.C. 119(e)

Applicant claimed the benefit under 35 U.S.C. 119(e) of the United States provisional application number 60/262546 filed on January 17, 2001. The Examiner did not acknowledge that benefit. Applicant respectfully requests acknowledgment of that claim.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Dated: Nov. 19, 2003

By: _____

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